

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 Sean Edward Douglas,

5 Plaintiff,

6 v.

7 Autovest LLC, *et al.*,

8 Defendants.  
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Case No. 2:21-cv-01576-APG-BNW

**ORDER**

10 Plaintiff Sean Edward Douglas has filed a complaint and submitted a request to proceed *in*  
11 *forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1). ECF Nos. 1, 1-1.

12 As discussed in more detail below, the Court will grant his request to proceed *in forma*  
13 *pauperis* but dismiss the complaint without prejudice and with leave to amend.

14 **I. Background**

15 First, while the Court notes that Plaintiff filed the form required in state court, the Court  
16 determines it has all the information that it needs to make a determination regarding eligibility.  
17 The Court finds that Plaintiff is not able to pay the filing fee. Accordingly, Plaintiff's application  
18 to proceed *in forma pauperis* (ECF No. 1) is granted.

19 **II. Screening Order**

20 Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint  
21 under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims  
22 and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be  
23 granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.  
24 § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard  
25 for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668  
26 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient  
27 factual matter, accepted as true, to state a claim to relief that is plausible on its face." *See Ashcroft*  
28 *v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes *pro se* complaints and may only

1 dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of  
2 his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.  
3 2014) (quoting *Iqbal*, 556 U.S. at 678).

4 In considering whether the complaint is sufficient to state a claim, all allegations of  
5 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*  
6 *Summit P’ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).  
7 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff  
8 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
9 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*  
10 Unless it is clear the complaint’s deficiencies could not be cured through amendment, a *pro se*  
11 plaintiff should be given leave to amend the complaint with notice regarding the complaint’s  
12 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

13 Plaintiff sues multiple defendants: Autovest LLC, Whitney Wilcher, Lippman Recupero  
14 PLLC, and Oliva Gamble & Lawgistic Partners. ECF No. 1-1. While Plaintiff provides general  
15 statements about how he has been wronged (social security number, tax ID number, address, etc.  
16 being made public), he fails to detail exactly why or how each defendant violated the law. In  
17 addition, he does not break his complaint into counts or claims against specific defendants. *Id.*

18 Even liberally construing Plaintiff’s complaint, the Court is unable to determine exactly  
19 what claims Plaintiff is attempting to allege against which defendants and cannot evaluate  
20 whether Plaintiff states any claims for relief. Accordingly, the Court will dismiss Plaintiff’s  
21 complaint without prejudice and with leave to amend. To help Plaintiff file a properly formatted  
22 complaint, the Court now advises Plaintiff of the following requirements under the Federal Rules  
23 of Civil Procedure. Plaintiff is also advised that failure to comply with these rules when drafting  
24 and filing his amended complaint may result in this action being dismissed.

25 First, Plaintiff is advised that he must specify which claims he is alleging against which  
26 defendants. Although the Federal Rules of Civil Procedure adopt a flexible pleading policy,  
27 Plaintiff still must give defendants fair notice of each of the claims he is alleging against each  
28 defendant. Specifically, he must allege facts showing how each named defendant is involved and

1 the approximate dates of their involvement. Put another way, Plaintiff should tell the Court, in  
2 plain language, what each defendant did to him and when. “While legal conclusions can provide  
3 the framework of a complaint, they must be supported with factual allegations.” *Ashcroft*, 556  
4 U.S. at 679.

5 Second, under Federal Rule of Civil Procedure 8, Plaintiff’s amended complaint must  
6 contain “a short and plain statement of the claim showing that [Plaintiff] is entitled to relief.”  
7 Fed. R. Civ. P. 8(a)(2). “Each allegation must be simple, concise, and direct.” Fed. R. Civ. P.  
8 8(d)(1). “A party must state its claims or defenses in numbered paragraphs, each limited as far as  
9 practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). “[E]ach claim founded on a  
10 separate transaction or occurrence . . . must be stated in a separate count.” *Id.*

11 Third, Plaintiff may not raise multiple unrelated claims in a single lawsuit. The Federal  
12 Rules of Civil Procedure do not permit a litigant to raise unrelated claims involving different  
13 defendants in a single action. A basic lawsuit is a single claim against a single defendant. But  
14 Federal Rule of Civil Procedure 18(a) allows a plaintiff to add multiple claims to the lawsuit  
15 when those claims are against the same defendant. And Federal Rule of Civil Procedure 20(a)  
16 allows a plaintiff to add multiple parties to a lawsuit where the right to relief arises out of the  
17 “same transaction, occurrence, or series of transactions or occurrences.” Fed. R. Civ. P.  
18 20(a)(2)(A). “However, unrelated claims that involve different defendants must be brought in  
19 separate lawsuits.” *Bryant v. Romero*, No. 1:12-CV-02074-DLB PC, 2013 WL 5923108, at \*2  
20 (E.D. Cal. Nov. 1, 2013) (citing *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)). This rule is  
21 intended to avoid confusion, which arises out of bloated lawsuits.<sup>1</sup>

22 Lastly, Plaintiff’s amended complaint must be complete in and of itself. If Plaintiff  
23 chooses to file an amended complaint, he is advised that an amended complaint supersedes the  
24 original complaint and, thus, the amended complaint must be complete by itself. *See Hal Roach*  
25 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that  
26 “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading  
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28 <sup>1</sup> If Plaintiff needs to file multiple lawsuits to comply with this rule, he may do so by filing a new  
application to proceed *in forma pauperis* and a new complaint for each unrelated claim.

1 supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)  
2 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such  
3 claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended  
4 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to  
5 pursue in this lawsuit. Moreover, Plaintiff must file his amended complaint on this Court’s  
6 approved form, which the Clerk of Court will send to Plaintiff.


7 **III. Conclusion and Order**

8 **IT IS THEREFORE ORDERED** that Plaintiff’s motion to proceed *in forma pauperis*  
9 (ECF No. 1) is **GRANTED**.

10 **IT IS FURTHER ORDERED** that Plaintiff’s complaint (ECF No. 1-1) is **DISMISSED**  
11 **without prejudice and with leave to amend**.

12 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to mail Plaintiff  
13 a copy of the non-prisoner, *pro se* form complaint.

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15 DATED: December 16, 2021.

16   
17 **BRENDA WEKSLER**  
18 **UNITED STATES MAGISTRATE JUDGE**  
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